

SUBCHAPTER C : GRANTS AND DONATIONS TO THE COUNCIL

§286.131. Grants and Donations.

(a) General Provisions.

(1) Purpose. The purpose of this section is to establish procedures for the acceptance of grants and donations made to the council and to create standards of conduct to govern the relationship between the council and the donor.

(2) General Authority to Accept Grants and Donations. The Texas Health and Safety Code, Chapter 367, authorizes the On-Site Wastewater Treatment Research Council to accept grants and donations from other sources to supplement the on-site wastewater treatment permit fee account. The council may accept grants and donations from private and public sources.

(b) Acceptance of donations.

(1) It shall be the policy of the council to accept only those donations that advance the statutory purposes of the council as set forth in Chapter 367 of the Texas Health and Safety Code.

(2) All donations will be accepted on behalf of the council. No officer or other council representative can accept donations in their individual capacity.

(3) The donor and the council shall execute a donation agreement which includes the following information:

(A) a description of the donation, including a statement of the value;

(B) a statement by the donor attesting to its ownership rights in the donation and its authority to make the donation;

(C) the signature of the donor or its official representative;

(D) the signature of the council chairperson or other person which the council has authorized to execute the donation agreement;

(E) any conditions restricting the use of the donations if the donor imposes restrictions agreed to by the council;

(F) the mailing address of the donor and principal place of business if the donor is a business entity;

(G) a statement identifying any official relationship between the donor and the

authority; and

(H) a statement advising the donor to seek legal and/or tax advice from its own legal counsel.

(4) The chairperson shall report all donations received at the next regular meeting of the council.

(c) Administration of funds.

(1) Grants and donations shall be deposited to the credit of the on-site wastewater research account of the general revenue fund and may be disbursed as the council directs and consistent with Chapter 367 of the Texas Health and Safety Code. All gifts of money are automatically appropriated to the council in accordance with Article V of the General Appropriations Act.

(2) Donations will be used for the purpose specified by the donor, as nearly as practicable, and in accordance with state, federal, and local law. In no event shall donations be used for purposes not within the council's statutory authority.

(d) Donations from individuals and/or entities receiving grant funds. The council shall adhere to all state ethics laws, regulations and policies relating to the acceptance of gifts from persons appearing before and receiving funds from state agencies.

(e) Standards of conduct between the council and private donors.

(1) Standards of conduct of officers, members and other council representatives are governed by the Texas Government Code, Title 5, Chapter 572;

(2) A council member or other council representative shall not accept or solicit any gift, favor, or service from a donor that might reasonably tend to influence his official conduct or that the council member or other council representative knows is being offered with the intent to influence official conduct;

(3) A council member or other council representative shall not accept employment or engage in any business or professional activity with a donor which the council member or other council representative might reasonably expect would require or induce him to disclose confidential information acquired by reason of his position, or which could reasonably be expected to impair the council member's independence of judgement in the performance of his/her official position;

(4) A member or other representative of the council shall not authorize a donor to use property of the council, unless the property is used in accordance with a specific provision of a contract

between the council
and the donor;

(5) A council member or representative shall not make personal investments in association with a donor which could reasonably be expected to create a substantial conflict between the representative's private interests and the interests of the council;

(6) A council member or representative shall not solicit, accept, or agree to accept any benefit for having exercised his or her official powers on behalf of a private donor or performed his or her official duties in favor of a donor;

(7) A council member or representative who serves as an officer, director or otherwise has policy direction over a donor shall not vote on or otherwise participate in any measure, proposal, or decision before the donor if the council might reasonably be expected to have an interest in such measure, proposal, or decision.

(8) Any person or entity seeking to contract with the council on a competitive bid basis or otherwise shall disclose all previous donations occurring within the previous two years to the council or any other state agency. The disclosure shall include the name of the recipient, the nature and value of the donation, and the date the donation was made. If the donation is on-going or periodic in nature, the last date the donation was available to the agency shall be used to determine the date of the donation.

(f) Public records. Documents and other information pertaining to the official business of the council is public information and may be subject to the Texas Open Records Act. The council may seek a determination from the attorney general regarding the confidentiality of information relating to a donation before releasing the requested information if the council determines an exception to the Texas Open Records Act is applicable.

(g) Conflict of laws. These rules and guidelines shall not conflict with a requirement of a statute regulating the conduct of an officer or employee of a state agency or the procedures of the council and the commission. In the event that there appears to be a conflict between these rules and a state statute, the state statute controls.

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